

REMARKS AND ELECTION

Applicants received an Office Action dated March 6, 2009 requiring election of one of the following allegedly distinct inventions:

Group I: Claims 1-25, drawn to a method of treating diseased cells in a human or other animal body; and

Group II: Claims 26-28-17, drawn to an article for treating diseased cells in a human or other animal body.

Applicants hereby elect without traverse to prosecute Group I in the present application. Applicants reserve the right to re-enter the non-elected claims (withdrawn by virtue of this paper) in the present application, or, alternatively, prosecute the non-elected claims in one or more divisional applications claiming the benefit of priority of the present application.

In addition, with regard to the multiple requirements for election of species for Group I (Sections A, B, and C as identified on pages 3-4 of the Office Action), the Applicants hereby enter, without traverse, the following species elections:

Species A2 - directed to nanoparticles with medication and a heat sensitive reservoir of medication, wherein the medication is released by heat;

Species B1 – directed to targeting molecule(s) comprising an antibody; and

Species C1 – directed to diseased cells relating to cancer.

As reflected in the above ‘Listing of the Claims’, Claims 1-17, 22, and 24-25 are generic to and/or encompassed by the elected species. Claims 18-21, 23, and 26-28 are

withdrawn. Applicants reserve the right to re-enter the non-elected claims (withdrawn by virtue of this paper) in the present application, or, alternatively, prosecute the non-elected claims in one or more divisional applications claiming the benefit of priority of the present application.

Finally, in this paper, a minor amendment is made to Claim 1 to place the pending claims in better condition for examination on the merits. No new matter is introduced by way of this amendment.

No fee is believed due for entry of this response. However, if a fee is deemed necessary in order to have this response entered, please charge such fee to Deposit Account No. 501358.

Applicants' undersigned attorney may be reached by telephone at (973) 597-2500.
All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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